

Town of Wethersfield

Department of Public Works

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Spoken
3/25/13

To: Government Administration and Elections Committee
CC: Jeff Bridges, Town Manager
From: Michael J. Turner, Director of Public Works/Town Engineer
Date: March 25, 2013
Subject: **HB 6672 Conveyance Bill**
Land Transfers for Middletown Av/Spring St DOT project #159-171

The State of CT recently conveyed two parcels of land to the Town of Wethersfield as part of the above referenced intersection realignment project. The parcels have and were always intended to be conveyed to an abutting private property owner, Merritt Baldwin, at 225 Spring Street, but the state could not do that directly, the Town needed to be the intermediary. These conveyances were the result of **Special Act 11-16** of the General Assembly, which was passed July 8, 2011. When we asked our Town Attorney Duncan Forsyth to prepare the deeds from the Town to Baldwin, he noted the deeds from State to Town contained typical reverter language which states in section 2(b)

The town of Wethersfield shall use said parcel of land for municipal purposes. If the town of Wethersfield:

- (1) Does not use said parcel for said purposes;*
- (2) (2) Does not retain ownership of all of said parcels; or*
- (3) (3) Leases all or any portion of said parcel,*
- (4) The parcel shall revert to the State of Connecticut.*

We spoke to Ms. Christie LaBella of the CT DOT Rights of Way office and she confirmed she could not give us a release of that reversion clause nor issue an amended deed, because it was language taken from the Special Act. According to her, the Special Act needs to be amended for her to accomplish this transaction.

We think there should be a new or amended special act that correctly recognizes the transaction and the agreement that was made long ago by all parties including the State of Connecticut. In all there were 17 parcels being transferred in order to accomplish this road reconstruction project. This was really a "land swap" i.e., the Town transferred some land to the DOT, some land came from Merritt Baldwin and Morningside Condominium Association to the Town and vice versa. I further recall distinctly that in addition to getting some land back itself, the State received a benefit since it did not have to pay certain expenses to Mr. Baldwin that would have otherwise have been payable to him in connection with the State's taking. I recall that he gave the State a Waiver of Compensation in connection with this land swap.

Our Bottom line is that the Special Act 11-16 needs to be revised to delete the reverter language so that the last two agreed upon transfers can finally be completed. **We support HB 6672** and we would be happy to assist Rep. Morin and the Committee with whatever deeds/maps etc you fit to accomplish this revision.